CALIFORNIA ENERGY COMMISSION
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RAMCO CHULA VISTA II
PEAKER GENERATING STATION (01-EP-3)
STAFF ASSESSMENT FOR EMERGENCY PERMIT

EXECUTIVE SUMMARY

The Energy Commission staff has performed a fatal flaw analysis of RAMCO Chula Vista Peaker Generating Station and recommends that the project be approved by the Energy Commission with the Conditions of Certification proposed by staff. Staff further recommends that the certification be for the life of the project provided that, at the end of the power purchase agreement with either the California Independent System Operator or the California Department of Water Resources, the project owner can verify that the project meets certain continuation criteria. These recommendations are based on the Energy Commission staff's independent assessment of the emergency permit application, independent studies and site evaluation, and consultation with agencies that would normally have permitting authority over the project except for the Energy Commission's emergency permitting authority provided by the Emergency Executive Orders of the Governor.

On March 15, 2001, RAMCO, Inc., (RAMCO) filed an emergency siting application for the Chula Vista Peaker Generating Station project (Chula Vista). RAMCO supplemented their application on May 11, May 17, and May 21, 2001. RAMCO's application was deemed complete on May 21, 2001. The application is available in Adobe PDF format at the documents portion of the project website, at http://www.energy.ca.gov/sitingcases/peakers/chulavista.

The Chula Vista project is a 62.4 megawatt (MW) simple-cycle natural gas fired power plant to be located at the existing Chula Vista Generating Station in the City of Chula Vista, San Diego County, California. The project will consist of one 62.4 MW natural gas-fired simple-cycle peaking turbine and associated equipment located adjacent to the existing RAMCO 44 MW generation facility approved by the City of Chula Vista last year. The project will require no new linear facilities and will interconnect to San Diego Gas & Electric's (SDG&E) electricity transmission system through the the existing facility's interconnection to SDG&E's located on the site. Natural gas will be supplied through an on-site connection to the exisiting SDG&E natural gas system.

At startup, emissions of NOx will be 25 ppm. RAMCO will be required to control NOx emissions to 5 ppm, by the installation of selective catalytic reduction (SCR) equipment, not later than June 1, 2002.

Project construction is scheduled to begin on June 15, 2001, and will take approximately two to three months. RAMCO will begin commercial operation by September 30, 2001.

A PDF file showing the regional location of this facility is included as Figure 1 in the files for this staff assessment. The project vicinity map, Figure 2, as well as a site plan for the proposed facility are also available. These files may be downloaded from the project's web site at:
http://www.energy.ca.gov/sitingcases/peakers/chulavista/documents.

EMERGENCY PERMITTING AUTHORITY

This project is being considered outside of the Energy Commission's normal power plant permitting process. Under Public Resources Code Section 25705, if the legislature or the Governor declares a state of energy emergency, the Commission has emergency authority to order the construction and use of generating facilities under terms and conditions it specifies to protect the public interest. This authority can be invoked only if the Legislature or Governor declares a state of emergency and the Commission determines that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

Governor Gray Davis declared a state of emergency on January 17, 2001. On February 8 and March 7, 2001, the Governor issued several executive orders and declared that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

In Executive Order D-26-01, and Executive Order D-28-01 the Governor ordered the Energy Commission to expedite the processing of applications for peaking and renewable power plants that can be on line by September 30, 2001. The Governor also declared that these projects are emergency projects under Public Resources Code section 21080(b)(4), and are thereby exempt from the requirements of the California Environmental Quality Act (CEQA). A summary of the emergency permitting process, including the proposed schedule, and a checklist showing the information required in an application, can be found on the web at:
http://www.energy.ca.gov/sitingcases/peakers/documents/index.html.

NEED FOR EMERGENCY PERMITTING

SUPPLY

The electric generation system must have sufficient operating generating capacity to supply the peak demand for electricity by consumers (including the transmission and distribution losses associated with power delivery). Also, an additional amount of reserve power plant capacity must be operational to act as instantaneous back-up supplies should some power plants or transmission lines unexpectedly fail. According to the Western Systems Coordinating Council (WSCC), to reliably deliver power, control area operators should maintain operating reserves of seven percent of their peak demand (including losses). If operating reserves decline below that level, customers that have agreed to be interrupted in exchange for reduced rates may be disconnected.

If operating reserves get as low as one and a half percent, firm load will likely be shed locally, resulting in rotating blackouts, to avoid system-wide blackouts.

Current estimates by Energy Commission staff of consumer peak demand for electricity and reserve requirements, and of the expected availability of electricity capacity supplies for the summer of 2001, indicate that existing capacity supplies are not adequate to maintain a seven percent operating reserve margin particularly if summer temperatures rise above levels that have as much as a 10 percent chance of occurring. Therefore, additional capacity resources or demand reductions are needed now and by next summer to maintain a seven percent operating reserve margin under temperature conditions that have about a 10 percent chance of occurring.

Many efforts to reduce peak demand and supply new capacity are currently under way. More than 2,500 MW of new generation may be operational by July 2001. These projects include power plants already certified by the Energy Commission that are currently under construction; various upgrades, rerates and returns-to-service of existing power facilities; and new renewable generation responding to Energy Commission incentive programs. The emergency approval of new simple-cycle power plants at numerous locations throughout the state is also important to respond to peak summer demand and provide local electricity system reliability.

Staff assumes that power plant outages of about 3,000 MW will occur throughout the summer. If power plant outages this summer turn out to be greater than assumed, new capacity resources, such as peaking power plants, can help maintain an adequate reserve margin, and help avoid or shorten the duration of rotating blackouts.

PUBLIC HEALTH AND SAFETY

There is a reliability benefit associated with locating generation resources near the significant load centers. When load and generation are seriously out of balance, as they are in most service areas, the potential for system separation, islanding and cascading outages are significantly increased (U.S. Congress, Office of Technology Assessment, June 1990). If additional simple-cycle projects are not licensed and built, this reliability benefit will be foregone until additional larger baseload generation is built in such areas. Although it is impossible to accurately calculate the likelihood of system outages, such outages are certainly plausible and are much greater without new generation resources in most California service areas. Power outages frequently occur during, and are often precipitated by, periods of extreme heat. Extreme summer heat creates extreme demand primarily from air conditioning loads. In fact, it has been demonstrated that demand in California is particularly sensitive to small increases in maximum summer temperature (CEC 1999). In the summer of 1998 the system demand in California increased by 4,000 MW as a result of a five-degree increase in temperature as compared to more typical maximums.

When major outages occur, there is an increased risk of significant public health and safety impacts. Fatalities and injuries associated with many types of accidents may result from outages, such as traffic accidents from signal and lighting failures, falls down

unlighted stairways, fires caused by use of candles for lighting and unconventional open-flame cooking, loss of life support equipment in medical clinics, and electrical shock from improper use of portable electric generators. However, a much more serious risk is the potential morbidity and mortality associated with summer heat waves. Behind major epidemics, heat waves in California rank among the worst of all other natural disasters in the history of California for excess mortality. Heat waves have caused more fatalities in individual events than the 1906 earthquake (452 deaths), the San Francisquito Dam collapse of 1928 (450 deaths) and the Port Chicago explosion in 1944 (322 deaths) (Oechsli and Buechley 1970). The mortality associated with one California heat wave in 1955 resulted in 946 deaths (before air conditioning was in common use). Fortunately the mortality associated with such events is completely preventable (Semenza 1995). One of the most effective ways of avoiding mortality during heat waves is to spend time in air conditioned environments during the hottest parts of the day (CDC 2000). However, artificial climate control (air conditioning) may be mandatory to avoid fatalities when temperatures change abruptly (Bridger and Helfand 1968).

The availability of air conditioning has significantly reduced the mortality associated with heat waves in California and throughout the nation. It was estimated that increased use of air conditioning during the 1963 Los Angeles heat wave saved over 800 lives (Oechsli and Buechley 1970). Sensitive populations are often dependent on air conditioning to avoid aggravation of chronic health conditions such as chronic obstructive pulmonary disease or acute health effects such as heat stroke. It is widely recognized that hot weather conditions can significantly increase both morbidity and mortality, particularly among sensitive populations such as the very young, the elderly, and those with chronic diseases (Bridgerand and Heland 1968) (Schickele1947) (Oechsli and Buechley 1970) (Kalkstein et al 1989, 1993, 1997, 1998). Thus, shortages of electricity can impose risk of very serious impacts on the public, potentially increasing the risk of deaths due to heat waves. The vast majority of those who die in heat waves are at home without air conditioning and are elderly. Based on evaluation of the public health and safety risks associated with new projects, staff concludes that new generating projects are much more likely to reduce public health and safety risks than increase them.

AIR EMISSIONS OF BACK UP GENERATORS COMPARED WITH EMERGENCY PERMIT POWER PLANTS

California generation is among the cleanest in the country. This is due to negligible coal and oil use as generation fuel, the BARCT and Best Available Control Technology (BACT) rules, and a robust mix of geothermal, renewable, nuclear and hydroelectric generation. With the generation shortfalls California has experienced in recent months due to abnormal forced and unforced outage rates and shortages of instate and out of state generation capacity, several options have been considered to supply additional generation without compromising public health and safety.

One option is to utilize the existing fleet of diesel engines that are used as backup or standby generators for facilities such as hospitals, businesses, and essential services

such as telephone, water, sewer, police and fire. Most of these generators are exempt from permitting as they are designed to only run when the grid fails to deliver electricity. That fleet is older and uncontrolled. It could represent 11,500 units, producing as much as 5,000 MW. However, as little as 1,200 MW may be compatible with operating in parallel with the grid. Most units are designed to only operate when isolated from the grid, and only with enough power for essential load at the facility.

Another option is to rely on a small number of diesel or natural gas engines that are permitted with emission control equipment as prime engines. Their emissions are in the range of 10 LB NOx/MWhr. However, they may not be tied to a generator (e.g., they may operate a pump or compressor) or are already operating at or near baseload, so they may not be able to supply much electricity to the grid. Other California generation options are less than 1.0 LB NOx/MWhr, but few are cleaner than the system NOx averages with the exception of demand reduction, solar, wind, and expensive fuel cells. The generation system emission averages will continue to decrease as the BARCT rules are fully implemented and the new generation with BACT installed comes online. The generation system emission average should approach 0.1 LB NOx/MWhr by 2005.

DIFFERENCES IN AIR EMISSIONS

Emission rates, rather than the sheer number of generators of any one type, are key to comparing emissions from different generation sources. For example, if there is a need for 1000 MW over 10 hours, or 10,000 MWhrs, then the NOx emissions are simply a product of the emission rate multiplied by 10,000. Diesel standby engine use would result in 150 tons of NOx over 10 hours, versus 1.5 tons from 1000 MW of natural gas-fired generation over the same period of time. A typical new simple-cycle power plant produces 0.9 tons of NOx during 10 hours of operation.

The location and configuration of a source are also significant factors in assessing the effect on air quality. If the 1000 MW is concentrated in one location (e.g., a 1000 MW combustion turbine or combined cycle project), and then the emission will be of relatively low concentration, will be buoyant, and will be emitted at a relatively high elevation from a stack. If the 1000 MW consists of 1,000 one-MW diesel standby generators, the emissions will be emitted near ground level, at relatively high concentrations, and probably over a wide region or even throughout the state. Similarly, a dispersed set of peakers (e.g., twenty 50MW General Electric LM6000s) could be located throughout the state. Without knowing their exact locations, their effects on air quality are not entirely known. A peaking power plant located next to a hill or mountain, because of the terrain or topography, or in an area that is already heavily polluted, could result in violations whereas the other 1000 MW “configuration” might not.

STAFF ANALYSIS OF THE RAMCO CHULA VISTA II PEAKER GENERATION STATION

AIR QUALITY

The analysis of the air quality impacts of emergency permit applications is performed by the California Air Resources Board and the local air pollution control district. Staff has proposed conditions of certification which require the applicant to limit fugitive dust emissions during construction and to comply with the authority to construct issued by the San Diego Air Pollution Control District (District).

The San Diego Air Pollution Control District has completed the 30 day review period for the authority to construct and is completing the final document. Staff will post the final authority to construct to the Commission's web site by Thursday, June 7, 2001.

At the Informational Hearing, held in Chula Vista on May 29, 2001, members of the public expressed concern for the cumulative impacts of the electrical generation facilities proposed for the southern San Diego area. The San Diego Air Pollution Control District is completing the analysis of the cumulative impacts of the operation of the RAMCO facilities (both Chula Vista 1 and 2), the Wildflower Larkspur facility, the proposed CalPeak Border facility and the Otay Mesa facility. The San Diego South Bay facility was not specifically included in this analysis since, according to the District, the background data used in the air model includes the impacts of the South Bay operation.

District staff indicate that, based on the modeling results, the cumulative operation of the above projects, including the proposed RAMCO Chula Vista Peaker Generating Station, do not result in a violation of air quality standards.

The San Diego Air Quality Management District staff expect to release the cumulative analysis by Monday, June 11, 2001. Staff will post this analysis to our web site as soon as it is available.

BIOLOGICAL RESOURCES

The proposed RAMCO, Chula Vista II expansion is located on approximately two (2) acres of disturbed ground adjacent to the existing RAMCO Chula Vista I facility which is presently in the last stages of construction. The site is surrounded by auto storage and recycling on the North and East, and a now empty auto storage yard on the West. The south side of the Chula Vista II facility is occupied by the Chula Vista I facility which is bordered by the Otay River floodplain on its southern side. The empty auto storage yard to the West is being used as a laydown and spoils area for Chula Vista I, and will continue to be used for this purpose during construction of Chula Vista II. This lot borders the Otay River floodplain on its southern boundary.

The proposed Chula Vista II project site was a graded disturbed area used for automobile and miscellaneous storage prior to the start of the Chula Vista I project. During the construction of the Chula Vista I facility, the site was used as an equipment staging and laydown area. As a result there is no existing vegetation located on the project site. The margins of the property support ruderal weedy species including Chrysanthemum (*Chrysanthemum coronarium*), Tree Tobacco (*Nicotiana glauca*), Horehound (*Marrubium vulgare*), Mustard (*Brassica geniculata*), and other weeds and naturalized ornamentals plant species.

Douglas Eilar and Associates conducted site surveys on 21 March and 29 April 2000. No threatened, endangered or sensitive (TES) species were found onsite. The only species observed onsite were locally common species, such as Housefinch (*Carpodacus mexicanus*), English Sparrows (*Passer domesticus*), House Mouse (*Mus musculus*), and Western Fence Lizards (*Sceloporus occidentalis*). The surveys focused on the Otay River floodplain, paying particular attention to riparian nesting birds. The survey results show that the riparian area supports a number of riparian songbird species including several sensitive species. Of particular concern is the presence of Least Bell's vireo, which is a federal and state listed endangered species.

Least Bell's vireo is a summer resident of Southern California, usually migrating from Mexico in March and leaving by the end of August. It inhabits low dense riparian growth and usually nests in low growing willow (*Salix sp.*), baccharis (*Baccharis sp*.) and Mesquite (*Prosopis sp.*) in the vicinity of water. The Otay River has areas of dense willow and baccharis, which provide nesting habitat for the TES species.

Based on the site surveys provided by Douglas Eilar and Associates, the project site does not contain any critical habitat or TES species. The adjacent Otay River floodplain does contain critical habitat and TES species. However, there will be no impacts to the critical habitat. Potential noise impacts on TES species will be reduced below significant levels by specific sound mitigation.

Based on comments by the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), mitigation will be required to maintain sound levels below 60-dBA at the edge of the riparian habitat during the active nesting season (15 March to 15 September). The Chula Vista I facility, which is nearing completion, is immediately adjacent to the riparian area and separates the proposed Chula Vista II from the riparian area. A sound wall was constructed to maintain sound levels during construction below 60 dBA. Based on information supplied by RAMCO, this mitigation measure has been successful in keeping the sound below the threshold level. The sound wall will be kept in place for the construction of the Chula Vista II facility. During plant operations, sound levels will be kept below the threshold by using sound absorbing materials in the intake, double housing the generator, exhaust silencers and, if necessary, retention of the sound wall. The sound wall was erected as a temporary measure to control sound during construction, although RAMCO anticipates keeping the wall as a permanent part of the facility. The laydown and spoils areas to the west have no sound wall to reduce noise levels. An appropriate setback from the riparian area will be necessary to keep noise levels below the 60 dBA threshold. A sound monitoring plan should be in place for the life of the operating

permit to ensure that sound levels are kept below the 60-dBA threshold during the TES species-nesting season (15 March to 15 September). In order to insure that impacts to TES species do not occur, staff recommends that a qualified biological monitor be present during construction and commissioning to monitor sound levels, and to ensure that the purposed mitigation is adequate in protecting TES species (**BIO-7**).

USFWS has addressed several landscaping issues around the proposed Chula Vista Facility (Hazard 2001). There is concern that one of the landscaping elements; Bearberry cotoneaster (*cotoneaster dammeri)* may be invasive. While this particular species is not recognized to be invasive, several other members of the *Cotoneaster* genus are. USFWS has requested that this species be removed from the plan and be replaced with an appropriate species. In addition, USFWS has recommended that landscaping elements along the riparian corridor consist of native plants. The use of native plants ensures that nonnative plant species are not introduced into the Otay River floodplain. The USFWS has also requested that landscaping not occur where there is existing native vegetation. Landscaping issues concerning the facility will be mitigated by implementation of proposed condition **VIS-3.**

The construction and operation of the proposed Chula Vista II facility will not result in any direct impact TES species or sensitive habitat onsite. However, there are potential indirect effects to TES species, Least Bell's vireo, that will require mitigation. Sound levels at the edge of the riparian corridor are kept below the 60-dBA threshold during construction and operation. Implementation of proposed condition **BIO-7** will ensure that potential impacts to TES are mitigated.

SOILS AND WATER

WATER

WATER SUPPLY

The proposed expansion of the Chula Vista II generating station will use approximately 33-gpm of water at peak use. Water will be obtained from the Sweetwater Authority, who has indicated their ability to provide this level of water service to the project. Before utilization all process water will be deionized. This will be accomplished using trailer mounted ion bed exchangers and, possibly, reverse osmosis membrane filtration.

Wastewater

The plant will generate approximately 110,000 gallons of wastewater annually. This number is based on the plant using the demineralizer beds, and may increase if the plant switches to reverse osmosis membrane filtration. The wastewater sources can be broken down into stormwater and demineralizer discharge.

The plant will have containment areas around the electrical switchyard and the aqueous ammonia tank. These containment areas are sized to hold 150 percent of the tank volumes of the ammonia or transformer oil. The containment areas are also sized to contain 150 percent of the rainfall during a 100-year, 24-hour storm event. Stormwater collected in the containment areas will be inspected for contamination by plant personnel. If contamination is detected, the containment areas will be pumped-out by a tank truck for removal from the site and disposal at an approved off-site facility. If contaminants are not detected, the storm water will be released into an on-site containment pond. Storm water in the containment pond will be inspected a second time for contaminants before the stormwater is released into the industrial sewer system.

The trailer mounted demineralizer beds will process approximately 80,000 gallons of tap water before they need to be taken offsite and recharged. This is roughly the amount of water that the plant will use in eight (8) days at full capacity. When the demineralizer is disconnected from the facility, approximately 500 gallons of demineralized water will back-flow and empty the demineralizer. This demineralized water will be "clean" and will flow into a floor drain to the industrial sewer.

If the plant switches to a reverse osmosis membrane filtration system, there will be a change in the wastewater composition and volume. The reverse osmosis reject water has Total Dissolved Solids (TDS) concentrations three (3) to four (4) times higher than the freshwater used. The change in volume from this process could be significant and may require a change in the Industrial Users Discharge (IUD) permit. RAMCO has not made any decisions concerning the change, but has acknowledged the need to amend their IUD permit if they do change processes.

RAMCO has filed an Industrial User Discharge (IUD) permit application for the Chula Vista I facility, and the Cities of San Diego and Chula Vista have approved the permit for construction purposes. The permit application will be completed when the Chula Vista I plant is online. The Chula Vista II expansion will require a permit modification of the existing Chula Vista II IUD permit.

NATIONAL DISCHARGE ELIMINATION PERMITS

GENERAL NPDES FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

The project does not exceed five acres (1.9-acres) so a National Pollution Discharge Elimination System (NPDES) permit to address Storm Water Runoff from Construction Activities will not be needed.

GENERAL NPDES FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

A NPDES permit for Storm Water Discharges Associated with Industrial Activities would not usually be required based on the activity occurring at the site. However, through the California Regional Water Quality Board, San Diego Region, Order No. 2001-01 (Order), as of February 21, 2001, each municipality listed in the Order as a Co-permitee must develop local permits, plans, and ordinances, such that they (a) prohibit the discharge of pollutants and non-stormwater into the MS4; and (b) require the routine use of BMP's to reduce pollutants in site runoff.

Due to the recent passing of this Order, the City of Chula Vista has yet to revise their ordinances and develop plans to comply with this directive. In order to meet the conditions of the Order, the City is requesting that the applicant obtain a NPDES permit for industrial activities. A Notice of Intent (NOI) has been prepared and submitted for the Chula Vista I phase of the project. An amendment will be filed to include the Chula Vista II addition. Part of the NPDES permit application is the submission of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will include an erosion control and stormwater management plan that identifies Best Management Practices (BMPs) to prevent contamination of stormwater from plant operations, as well as a Storm Water Monitoring and Reporting Plan (SWMRP).

SOILS

During project construction and operation, wind and water action can erode unprotected soils. Areas of impervious surfaces (paved, compacted, etc.) can create increased runoff conditions, thereby resulting in potential erosion on unprotected down-gradient surfaces. RAMCO has supplied a draft Erosion Prevention and Sedimentation Control Plan (EPSCP). The EPSCP includes a drainage control plan, which identifies potential areas of erosion and temporary and permanent BMPs to prevent the pollution of stormwater. These BMPs include silt fence, gravel filters, riprap energy dissipaters and other components as needed. RAMCO will not pave any of the plant but will use decomposed granite. The use of the granite will allow absorption of stormwater into what would have been impervious surfaces, reducing the amount of stormwater leaving the site.

Spill Prevention/ Water Quality Protection

The main source of potential spills comes from the various types of oil and aqueous ammonia stored and used onsite. The total quantity of oil onsite exceeds the threshold quantity, so a Spill Prevention Control and Countermeasures Plan (SPCC), per 40 CFR 112, is required. RAMCO has developed a SPCC plan for the Chula Vista II facility. The proposed Chula Vista II project will use aqueous ammonia in the Selective Catalytic Reduction (SCR) system to control Nitrogen Dioxide (NOx) emissions. The aqueous ammonia will be stored in a 12,000-gallon tank. A secondary containment basin sized to hold 150 percent of the tank volume surrounds the storage tank. All chemicals stored

onsite will be in closed containers and will include secondary containment to prevent the flow of chemicals into storm sewers and adjacent waterways.

HAZARDOUS MATERIALS MANAGEMENT

The proposed project will involve use of aqueous ammonia and will involve use of natural gas. Ammonia will be used for control of NOx emission in an SCR system. The proposed project will require an ammonia storage facility. The use of 19 percent aqueous ammonia precludes any potential for significant impact at the nearest residences that is more than 1300 feet from the proposed project.

Natural gas will not be stored at the site but will be handled in significant quantities. However, the systems used to handle natural gas at the facility will comply with all applicable engineering design codes and fire protection codes. It is staff's opinion that compliance with such standards will preclude the potential for impact on the public as a result of natural gas handling at the proposed facility.

CULTURAL RESOURCES

The proposed Chula Vista II Generating Station is an expansion to the Chula Vista I Generating Station that is currently nearing completion. The project would occupy the northern half of a 3.8 acre parcel located at 3497 Main Street in Chula Vista. The Chula Vista I Generating station occupies the southern half of this parcel. The adjoining parcels are occupied by an auto storage and recycling facility to the north and east and lot formerly used for auto storage to the west. The southern boundary of this parcel borders on the Otay River and its riparian corridor.

The Chula Vista I Generating Station is being constructed under the terms of a Mitigated Negative Declaration granted by the City of Chula Vista. To fulfill the requirements of the original Mitigated Negative Declaration A. D. Hinshaw Associates conducted a records search at the South Coastal Information Center at San Diego State University, San Diego. The records search for the Chula Vista I Generating Station included the area for the proposed Chula Vista II Generating Station. The records search determined that no known cultural resources have been recorded within the proposed project area or on any of the adjoining parcels.

The records search also included the area within a half-mile radius of the proposed project. One known archaeological site is recorded within this area. This site (CA-SDI-11962), consists of a sparse lithic scatter, and is located over 1000 feet from the proposed project area. This site is not subject to any adverse effects as a result of this proposed project.

Staff visited the site on May 22, 2001. The proposed site is situated on a graded pad of imported fill. The project area was used as a lay-down area for Chula Vista I Generating Station during its construction. The immediate vicinity is highly disturbed

due the years of light industrial use. The project area is currently vacant. No cultural remains were noted on the site visit.

The project site has been previously filled with imported material from an unknown source. The imported fill is of sufficient depth that construction activities for this project would not exceed the depth of the fill material. The presence of the imported fill has seriously disturbed the integrity of the site and virtually precludes the possibility that any sensitive cultural materials will be encountered during construction. Because of the low possibility of encountering archaeological sites in the project area, no on-site cultural resource monitoring is required for this project. However, if buried cultural resources are encountered during construction a qualified cultural resource specialist would evaluate the finding, pursuant to Condition of Certification **CUL-1**.

PALEONTOLOGICAL RESOURCES

The Applicant states that the Chula Vista II site is underlain by artificial fill, which would have null paleontologic potential. Based on this statement, the Applicant concludes that there is a very low likelihood of disturbing any vertebrate fossils during project construction, and thus that no mitigation is required.

Staff conducted an independent review of geologic mapping available for the neighborhood of the site. Based on the map of Kennedy and Peterson (1975), staff concludes that the City of Chula Vista is underlain by the Lindavista Formation, which was deposited in an estuarine environment and has yielded marine fossils at other locations.

Staff also conducted a field visit, and confirmed that the site is underlain by an artificial fill pad. Judging from the topographic map provided by the Applicant, the artificial fill pad seems to vary in thickness between 5 and 15 feet.

Based on the presence of a moderately thick artificial fill pad, staff concludes that the project is not likely to impact paleontologic resources. To address the remote likelihood of impact, for example if deep foundation excavations were needed, certification is conditioned to standard condition for certification PALEO-1. This condition requires the Applicant to be vigilant during construction activities, and to take the necessary measures to assure that there is no significant impact to site paleontologic resources.

LAND USE (INCLUDES SITE DESCRIPTION, NOISE, LAND USE, TRAFFIC, AND VISUAL)

SITE DESCRIPTION

The proposed project (Chula Vista II) would occupy approximately half of a 3.8-acre site (APN 629-06-204) located at 3497 Main Street in Chula Vista. The southern portion of

the parcel is occupied by the Chula Vista I project, a 44 MW natural gas-fired turbine that is currently under construction. The plant expansion site is level and graded and is used as the staging area for construction materials for the Chula Vista I project.

Surrounding land uses include the existing Chula Vista plant to the south, auto storage and recycling to the north and east, and a lot formerly utilized for auto storage to the west. The northwestern portion of the site has been proposed by the applicant for equipment laydown and construction worker parking. A large open space area, which has been highly disturbed by vagrants, is located to the south of the existing plant. This land includes the Otay River and its riparian corridor, and is part of both the Otay Valley Regional Park Concept Plan and the Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan, which is currently being prepared. To the south of the river valley are residential properties, located on a hill above the project site. Other area land uses include commercial/industrial to the northeast, east and residential to the west (approximately 350 feet) and north (approximately 500 feet).

The project site is owned by John and Carole Marquez, and is under lease to PG&E Dispersed Generating Company, LLC (PG&EDG). PG&EDG has sold its rights to RAMCO under a separate lease agreement, and therefore possesses site control. The applicant also possesses site control of the vacant lot proposed for laydown, through a lease agreement with the property owner of that lot.

NOISE

The proposed project site is subject to noise from traffic on nearby Main Street and on Beyer Way, a major arterial located approximately 1,000 feet west of the proposed project site. Other noise sources include construction of Chula Vista I (which includes a noise monitoring program), industrial uses and scrap metal recycling. The site and adjacent parcels are also in a flight path and are subject to noise from air traffic. The pre-construction one-hour on-site noise level was approximately 50 dBA L_{eq}. The project noise consultant (noise consultant) indicated during a personal communication (May 2001) that this noise level is primarily because of traffic on Beyer Way.

The nearest sensitive receptor is residential housing, located approximately 350 feet west of the project site. The noise consultant has indicated that the existing (pre-construction) noise level at the residences would be approximately 55 dBA L_{eq}, because of closer proximity (than the project site) to Beyer Way. A one-time noise reading by the applicant indicated that the ambient noise level at the nearest residence ranged between 51 dBA and 53 dBA at mid-afternoon on a weekday during construction and testing of Chula Vista I.

Additional residential development is located north of Main Street, approximately 500 feet from the site.

South of the site is the Otay River riparian corridor, which is considered habitat to the Least Bell's vireo, an endangered bird. Additional residential properties are located south of the river, approximately 1,000 feet from the project site's south property line.

These residences are at a sufficient distance to not be influenced by noise generated at the project site.

Noise generated at the site would come from construction, stationary mechanical equipment operation, car and trucks. As the Chula Vista I facility is nearly complete and has been tested, these noise sources are already present at the site. To date, the applicant has not received any complaints about noise.

The City of Chula Vista Noise Ordinance establishes 55 dBA L_{eq} daytime and 45 dBA nighttime as the maximum noise level for residential properties. Pursuant to the ordinance, noise levels at industrial property lines cannot exceed 70 dBA L_{eq}.

The applicant has indicated that the proposed plant expansion would be constructed in accordance with noise control measures implemented for original Chula Vista I facility. Noise attenuation includes silencers at the generator, design enabling a 90-degree elbow with sound absorbing material at the air intake, double housing on the generator, and exhaust silencers. This mitigation would reduce noise levels at all property lines to 60 dBA L_{eq}, which is necessary to reduce impact to the Least Bell's vireo. (For more information, see **Biological Resources**.)

According to a noise study conducted for the existing Chula Vista I facility, unobstructed noise would dissipate to below 40 dBA L_{eq} at the nearest residence under this scenario. Project plans include a 10-foot chain link and slat fence, which will provide some attenuation. The applicant has indicated that, upon completion of the Chula Vista I facility, all four property lines will be monitored for noise. If noise levels exceed 60 dBA Leq at the project site property line, the applicant has indicated that a sound wall would be erected on the south and west property lines, to shield sensitive receptors.

However, as noted above, the residential noise standard may already be exceeded at the residences to the west because of the proximity to Beyer Way. Therefore, any perceptible increase in noise would be significant. A 3 dBA increase is generally considered as perceptible; an increase of 5 dBA would generally be noticeable. According to the noise consultant, the increase in noise levels with Chula Vista II would be less than 3 dBA, and would not be perceptible. The CEC standard Condition of Certification **NOISE-1** requires that the project owner monitor actual project noise contribution at the nearest residence. If the project noise at that location exceeds 55 dBA L_{eq} daytime and 45 L_{eq} nighttime, the project owner will be required to retrofit the project with mitigation measures that will reduce noise to this level. Such mitigation measures could include, but not be limited to, the addition of mufflers, and the addition of natural or man-made sound barriers, such as earthen berms or sound walls

With regard to construction-related noise, the applicant has indicated that there have been no noise complaints in conjunction with construction of the Chula Vista I facility, and noise monitoring has been conducted on a regular schedule to maintain 60 dBA at the property line. At this time the applicant does not propose nighttime construction.

NOISE-2 requires that, prior to construction, the applicant notify all residents within one mile of the project site of the construction schedule. **NOISE-3** requires that the project

owner document, investigate and mitigate all project-related noise impacts. Implementation of these Conditions of Certification would ensure that impacts associated with noise are less than significant.

LAND USE

The project site is located in a blighted area along Main Street in Chula Vista, CA. The project site is currently being utilized as a laydown area for construction of the Chula Vista I facility.

Surrounding land uses include the existing peaker plant (the Chula Vista I facility), currently nearing completion to the south. A private access road (unpaved) and an automobile recycling yard which is located to the east of the project behind a cyclone fence approximately eight feet in height. Likewise, an additional auto storage yard is located north of the proposed facility. To the northwest and west of the site is a large, undeveloped lot, currently utilized as a construction parking and laydown yard for the Chula Vista I operation. A residential subdivision (approximately 30 single family homes) is located to the west of that lot. To the south is the Otay River valley. Across the valley is additional residential properties, located atop a hill overlooking the site. Residential, commercial and industrial uses are located to north of Main Street.

The proposed Chula Vista II project is a fully enclosed gas turbine (62.4 MW), approximately 115 feet in length and 10 feet in height. Air pollution control equipment would be approximately 130 in length, 38 feet in width, and 35 feet in height. The exhaust stack would be 40 feet in height. The main portion of the plant would be housed in an enclosure 100 feet in width, 80 feet in length and 25 feet in height painted in earthtones. The design of the expansion plant is compact. As proposed, the project would be consistent with the industrial uses in the area. Further discussion regarding potential impacts from land use conflicts can be found in the **Noise**, **Hazardous Materials**, **Biological Resources**, **Traffic and Transportation**, and **Visual Resource** sections of this analysis.

The project site and surrounding lands are within the Southwest Redevelopment Area. According to the City, the site and adjacent parcels to the west, north and east are zoned IL – Light Industrial. The residential properties to the west of the site are zoned R1, Single Family Residential. Residential properties along Main Street are zoned IL. The land to the south is zoned OS – Open Space, and is designated as a preserve area by the Chula Vista Multiple Species Conservation Program.

The IL zoning requires a 20-foot front setback and a 15-foot side setback. There is no rear setback requirement, but building height is limited to 45 feet. As proposed, the project is consistent with these standards. (Parking requirements are discussed in the **Traffic and Transportation**, and landscaping requirements are addressed in the **Visual Resource** sections of staff's analysis.)

However, the City further categorizes power facilities as Public/Quasi Public. This is consistent with the IL zoning, but would normally require a Conditional Use Permit

(CUP) because of the many different land uses that could be developed under the Public/Quasi Public designation. The CUP would require a public hearing and approval by the City's Planning Commission and Redevelopment Agency. A CUP was approved for Chula Vista I in September 2000. It is City staff's opinion that Chula Vista II would require a modification to the existing CUP, rather than a new permit. The applicant has indicated that it will comply with the conditions of approval set forth by Chula Vista Resolution No. 1699, in which the City approved the CUP. Staff has reviewed the CUP conditions and determined that they apply to development of the parcel as a whole, rather than development of specific phases of the power facility. City approval would also require a modification of the existing Owner (and Tenant) Participation Agreement (OPA) between the land owner, applicant, and the Redevelopment Agency.

The Planning Commission and the Redevelopment Agency, both approved the Chula Vista I CUP unanimously. City staff noted that citizen groups in the area are expressing concern over the cumulative impact of installing several power plants in the region, but could not comment as to whether this would influence City decision makers. However, the Energy Commission has exclusive jurisdiction over the Chula Vista II project, as a result, no modification to the CUP and OPA are required. The project would still be required to comply with applicable city laws, ordinances, regulations and standards (LORS).

The proposed project would connect to existing utilities available on-site, and would therefore not require off-site construction. The applicant has indicated that the laydown area and construction parking for the project would be located on the northeast portion of a lot that is adjacent to the west of the site. The applicant has site control of the laydown area through a lease agreement with the property owner. The site is currently being used to store spoils and other excavated material prior to off-site disposal. The portion of the site proposed for laydown is currently being used for fabrication of equipment for another RAMCO plant, currently under construction in Escondido, CA.

The applicant has indicated that all local, state and federal land use requirements would be met. This would be assured by the imposition of Conditions of Certification **LAND-1**. With implementation of **LAND-1**, the project's impact on land use would be less than significant.

PUBLIC SERVICES

The nearest fire station to the project site is located at 1200 Fourth Street, approximately three miles from the proposed project site. This translates to a response time of approximately six minutes. The fire department requires that 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) be available for for fire suppression at the proposed facility site. Currently an eight-inch fire main and two hydrants, each of which contain the required volumes and pressures necessary for fire suppression serve the site. A letter of ability to serve, submitted by the Chula Vista Fire Department and dated April 23, 2001, indicates that ample personnel, equipment and water is available to serve the project. In the event of a hazardous materials upset, the Chula Vista Fire Department would respond. If necessary, the City's department would route the call to

either the City of San Diego or San Diego County, both of which are under contract with Chula Vista to aid the City in emergency hazardous materials clean up.

TRAFFIC AND TRANSPORTATION

Regional access to the proposed facility is provided by Interstate 5 located west of the site and Interstate 805 located several miles to the east. The physical address for the proposed facility is on Main Street, which bisects the two Interstates. Local access could also be provided by Beyer Way/Third Street, which also intersects with Main Street. Access to the site is provided by a private drive, located south of Main Street at Albany Road. Access to the laydown area is available directly from Main Street.

The applicant provided level of service (LOS) analysis (an A-through-F classification based on the amount of traffic and roadway capacity, whereas A represents free flow and F represents gridlock) for traffic on Main Street during the a.m. and p.m. peak hours. Westbound and eastbound traffic operated at LOS A during these times. This was corroborated by CEC staff after a site visit to observe the a.m. peak traffic flow.

With regard to construction worker transportation and parking, the applicant has indicated that the construction workforce peak is estimated at 75 employees, with an average of 35 employees. Additional traffic would be generated by equipment delivery for Chula Vista II and the fabrication operation currently occurring on the laydown site. Truck deliveries would average one per day during the peak construction period, and approximately one delivery per week at the beginning and end of the project. Deliveries are therefore not anticipated to significantly affect the traffic/truck ratio on Interstate 5 or Interstate 805, or on Main Street. Because Main Street includes a significant industrial area, the increase in truck traffic is expected to be negligible.

While the workforce and equipment transport would increase the number of trips to and from the site, Main Street operates at an LOS that could easily accommodate the additional traffic. Furthermore, this impact would be temporary, lasting only for the duration of construction activities.

The applicant did not include a Traffic Control Plan (TCP) as part of the application, because the project does not include construction within public right-of-way. Given this, the scale of the project, the high LOS, and the private access to the site, it is not likely that a TCP would be necessary. Any ground shipment exceeding designated state or local size and/or weight/load limits would require a Single Trip Transportation Permit.

Operational roadway usage (trips) and parking requirements are expected to be minimal throughout the life of the project, with parking to be provided on-site in accordance with the City's parking standards.

Since the applicant does not have a TCP, impacts would be reduced by the implementation of Conditions of Certification **TRANS-1** and **TRANS-3**.

With implementation of the above conditions of certification the project's impact on traffic and transportation would be less than significant.

VISUAL RESOURCES

The project site is graded and generally flat. Project plans call for the development of a simple-cycle peaking facility, cooling towers, and associated facilities, including a 40-foot flue gas stack. The plant, particularly the stack, would be visible from all sides and from the residences south of Otay River. Adjacent land is zoned for industrial development, and development of the Chula Vista II facility and associated fencing and landscaping would be aesthetically compatible with future development in the area. On-site landscaping includes ground cover and drought-resistant planting. The access road has been proposed to be paved, but the remainder of the site would be covered with decomposed granite.

The proposed lighting system would provide illumination for normal operating conditions and emergency situations. This may be visible at night. However, approved landscape plans call for perimeter planting of trees and shrubs, and a 10-foot opaque fence. This would partially shield lighting, as well as provide screening from a portion of the plant equipment. Furthermore, Condition of Certification VIS-2 requires that light bulbs and reflectors are not visible from public viewing areas and that illumination of the vicinity and nighttime sky is minimized. CEC staff recommends an additional condition to direct lighting away from the Otay River valley, to minimize impact to potential habitat in this area.

The most visible feature of the plant expansion would be the flue stack. However, the stack is well within the height limit at 40 feet, and is shorter than most power plant stacks. Furthermore, the earthtone paint color would render the stack even less visible, particularly for the residences south of Otay River. Planned landscaping and fencing will provide additional screening.

The project is also subject to specific Conditions of Certification **VIS-1** and **VIS-3**, which require steps to ensure mitigation of potential visual impacts (including equipment and lighting), and the inclusion of a landscaping plan submitted to the city for comment and review. Staff recommends that landscaping include only non-invasive species, to the satisfaction of the Compliance Project Manager (CPM). Implementation of these conditions would reduce aesthetic impacts to a less than significant level.

ENVIRONMENTAL JUSTICE

For all siting cases, including the emergency permitting process, Energy Commission staff follows the federal guidelines' two-step screening process. The process assesses:

- whether the potentially affected community includes minority and/or low-income populations; and
- whether the environmental impacts are likely to fall disproportionately on minority and/or low-income members of the community.

Year 2000 estimates by Claritas show that the majority of the City of Chula Vista census tracks within three miles of the project site contain more than 50 percent minority population. Year 1990 Census data show no census tracks within three miles of the project site with a greater than 50 percent low-income population.

The only potential adverse effects of the project on this population would be air quality or public health impacts. Staff has determined that the impacts from this project, with the implementation of staff's recommended conditions of certification, will not result in a significant adverse impact to the surrounding community. Staff finds that there are no environmental justice issues associated with this project.

ENGINEERING

FACILITY DESIGN

The project will be designed and constructed in compliance with the California Building Code (CBC) and all other applicable engineering LORS (see Condition of Certification **GEN-1** below). This will be assured by the Commission's delegate Chief Building Official (CBO), whose duties are prescribed under the CBC. These duties include the review of project designs by qualified engineers and the inspection of project construction by qualified inspectors. The CBO's performance, in turn, will be ensured through monitoring by the Commission's Compliance Project Manager.

TRANSMISSION SYSTEM ENGINEERING

The RAMCO Chula Vista Peaking Generating Station will connect to San Diego Gas and Electric Company's Otay substation through the existing 69 kV generator tie from the RAMCO Chula Vista I project. A specific date has not been set for the completion of the seven-day interconnection study. Staff expects the study to be completed by June 15, 2001. RAMCO will be responsible for mitigating line overloads identified in the study, as well as other overloads identified at a later date, because the study will not include several facilities who have applied for interconnection prior to the RAMCO project. If the RAMCO Chula Vista Peaking Generating Station causes overloads, staff expects these overloads will be mitigated with the use of standard operating procedures such as the reduction of the output of this facility. However, if RAMCO chooses to mitigate transmission overloads attributed to the Chula Vista Peaking Project with new facilities these facilities will be subject to environmental review by the appropriate permitting agency.

Staff believes that the RAMCO Chula Vista Peaking Generating Station will comply with all appropriate safety standards.[1]

[1] CPUC General Order 95, CPUC Rule 21, Title 8, Articlies 35, 36 and 37, Title 8 CCR, Sections 2700-2974, CPUC Decision 93-11-013, Federal Communications Commission Part 15, Public Resources Code 4292-4296, and the National Electric Code.

CONCLUSION

The RAMCO Chula Vista II Peaker Generating Station project, if built and operated in compliance with the proposed conditions of certification included in this staff assessment, will be available in time to help alleviate the current emergency. The proposed conditions of certification serve to protect the public interest and the environment. Staff recommends approval of this project.

STAFF CHECKLIST

The following Emergency Permit Evaluation Checklist is designed to provide an easy-to-follow guide to the application and staff's analysis of project impacts. Included in the Checklist are the Application Requirements, a determination by staff of whether or not the material was provided, and the location of the information in the applicant's document. The checklist then shows staff's analysis of significant issues, any special conditions needed to resolve those issues, and any required comments or references.

RAMCO CHULA VISTA PEAKER GENERATING STATION
EMERGENCY PERMIT EVALUATION CHECKLIST
CALIFORNIA ENERGY COMMISSION

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
1 Project Description					
1.1 Project owner/operator (Name, title, address, phone)	Yes	Page 1-1			
1.2 Overview of power plant and linear facilities	Yes	Page 1-1			
1.3 Structure dimensions (size and height), plan and profile	Yes	Page 1-2			
1.4 Full size color photo of the site and rendering of proposed facility if available	Yes	Page 1-2, 5/21/01 Addendum			
1.5 Maximum foundation depth, cut and fill quantities	Yes	Section 1.5, pages 1-2 and 1-3			Foundation mats will rest on a graded site using cut and fill, with a net export of approximately 3,000 cubic yards of soil.
1.6 Conformance with California Building Code	Yes	Section 1.6, page 1-3			All engineering design and construction work will be performed to the California Building Code.
1.7 Proposed operation (hours per year)	Yes	Page 1-3			
1.8 Expected on-line date	Yes	Page 1-3			

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
1.9 Proposed duration of operation (years)	Yes	Page 1-4			
1.10 Identify transmission interconnection facilities	Yes	Page 1-4			
1.11 Transmission interconnection application	Yes	Append H			
1.12 "Down-stream" transmission facilities, if known	Yes	Page 1-4			Seven-day interconnection study will not be completed until after CEC approval.
1.13 Fuel interconnection facilities	Yes	Page 1-4 Appendix H			
1.14 Fuel interconnection application	Yes	Page 1-4 5/21/01 Addendum			
1.15 Water requirements and treatment	Yes	Page 1-4 – 1-5			
1.16 Water interconnection facilities (supply/discharge)	Yes	Page 1-5 – 1-6			
1.17 Source and quality of water supply	Yes	Page 1-6			
1.18 Water supply agreement/ proof of water supply	Yes	Page1-6 Append H			
2. Site Description					
2.1 Site address (street, city, county)	Yes	Page 2-1			
2.2 Assessor's parcel number	Yes	Page 2-1			

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
2.3 Names and addresses of all property owners within 500 feet of the project site or related facilities in both hard copy and electronic mail merge format.	Yes	Page 2-1			
2.4 Existing site use	Yes	Page 2-1			
2.5 Existing site characteristics (paved, graded, etc.)	Yes	Page 2-1			
2.6 Layout of site (include plot plan)	Yes	Page 2-1			
2.7 Zoning and general plan designations of site and linear facilities	Yes	Page 2-1			
2.8 Ownership of site (Name, address, phone)	Yes	Page 2-1			
2.9 Status of site control	Yes	Page 2-1			
2.10 Equipment laydown area – size and location	Yes	Page 2-1			
3. Construction Description					
3.1 Construction schedule	Yes				
3.2 Workforce requirements (peak, average)	Yes	Page 3-1			

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
4. Power Purchase Contract (DWR, ISO, other)					
4.1 Status of negotiations and expected signing date	Yes	Page 4-1			"Chula Vista II facility will utilize an additional ISO contract for summer reliability transferred from another site." Attempting to convert these contracts to contracts with DWR
5. Air Emissions					
5.1 Nearest monitoring station (location, distance)	Yes	Page 5-1			
5.2 Provide complete self certification air permit checklist	Yes	Section 5, Attachment B and C			
5.3 Provide complete air permit application	Yes	Section 5-1 Appendix T			
5.4 Status of air permit application with air district	Yes				
5.5 Status of offsets and/or mitigation fees, as required	Yes				
6. Noise					
6.1 Local noise requirements	Yes	Page 6-1			
6.2 Nearest sensitive receptor (type, distance)	Yes	Page 6-1			Mitigation is provided by Conditions of Certification for Noise.

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
6.3 Project noise level at nearest property line	Yes	Page 6-1			
6.4 Proposed mitigation if required	Yes	Page 6-1			
7. Hazardous Materials					
7.1 Type and volume of hazardous materials on-site	Yes	Section 7.0 Attachment R			
7.2 Storage facilities and containment	Yes	Section 7.0 Attachment R			
8. Biological resources					
8.1 Legally protected species* and their habitat on site, adjacent to site and along right of way for linear facilities (*threatened or endangered species on State or federal lists, State fully protected species)	Yes	Page 8-1 Append O			Least Bell's vireo are located adjacent to site
8.2 Designated critical habitat on site or adjacent to site (wetlands, vernal pools, riparian habitat, preserves)	Yes	8-1 Append O			Riparian habitat is located adjacent to site
8.3 Proposed mitigation as required	Yes	8-1 Append O, N			Sound mitigation will be required

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
9. Land Use					
9.1 Local land use restrictions (height, use, etc.)	Yes	Page 9-1			
9.2 Use of adjacent parcels (include map)	Yes	Page 9-1			
9.3 Ownership of adjacent parcels – site and linears	Yes	Page 9-1			
9.4 Demographics of census tract where project is located (most current available)	Yes	Pages 9-1			
10. Public Services					
10.1 Ability to serve letter from Fire District	Yes	Page 10-1			
10.2 Nearest fire station	Yes	Page 10-1			
11. Traffic and Transportation					
11.1 Level of Service (LOS) measurements on surrounding roads – a.m. and p.m. peaks	Yes	Page 11-1			
11.2 Traffic Control Plan for roads during construction period	Yes	Page 11-1			
11.3 Traffic impact of linear facility construction	Yes	Page 11-1			
11.4 Equipment transport route	Yes	Page 11-1			

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
11.5 Parking requirements – workforce and equipment	Yes	Page 11-1			
12 Soil and Water Resources					
12.1 Wastewater volume, quality, treatment	Yes	Pages 12-1 – 12-2			
12.2 Status of permits for wastewater discharge or draft permit (WDR/NPDES)	Yes	Page 12-2 – 12-3			
12.3 Draft Erosion Prevention and Sedimentation Control Plan or Mitigation Strategy	Yes	Section 7.0 Attachment R			
12.4 Spill Prevention/Water Quality Protection Plans	Yes	Section 7.0 Attachment R			
13 **Cultural Resources**					
13.1 Identification of known historic/prehistoric sites	Yes	Page 13-1			Due to the presence of imported fill in the project area no cultural resource monitoring is required for this project
13.2 Proposed mitigation if required	Yes	Page 13-1			

Application Requirement	Y/N	Application pages	Significant Issues	Special Conditions	Comments
14 Paleontological Resources					
14.1 Identification of known paleontologic sites	Yes	Page 14-1			
14.-2 Proposed mitigation if required	Yes	Page 14-1			
15 Visual resources					
15.1 Plan for landscaping and screening to meet local requirements	Yes	Page 15-1			
15.2 Full size color photo of the site and rendering of proposed facility with any proposed visual mitigation if available	Yes	Figures 15-1			
16 Transmission System Engineering					
16.1 Conformance with Title 8, High Voltage Electrical Safety Orders, CPUC General Order 95 (or NESC), CPUC Rule 21, PTO Interconnection Requirements, and National Electric Code	Yes	Page 16-1			

RAMCO CHULA VISTA PEAKER GENERATING STATION GENERAL CONDITIONS INCLUDING COMPLIANCE MONITORING AND CLOSURE PLAN

INTRODUCTION

General conditions (and the Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in accordance with applicable environmental and public health and safety laws, ordinances, regulations, and standards, and with conditions of certification as approved by the California Energy Commission (Energy Commission).

The Compliance Plan is comprised of general conditions and technical (environmental and engineering) conditions as follows:

General conditions that set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, and delegate agencies; the requirements for handling confidential information and maintaining the compliance record; procedures for settling disputes and making post-certification changes; administrative procedures to verify the compliance status; and requirements for facility closure plans.

Specific conditions for each technical area contain the measures required to mitigate potential adverse impacts associated with construction, operation and closure to an insignificant level. Specific conditions may also include a verification provision that describes the method of verifying that the condition has been satisfied.

DEFINITIONS

To ensure consistency, continuity and efficiency, the following terms, as defined, apply to all technical areas, including Conditions of Certification:

Site Mobilization

Moving trailers and related equipment onto the site, usually accompanied by minor ground disturbance, grading for the trailers and limited vehicle parking, trenching for utilities, installing utilities, grading for an access corridor, and other related activities. Ground disturbance, grading, etc. for site mobilization are limited to the portion of the site necessary for placing the trailers and providing access and parking for the occupants. Site mobilization is for temporary facilities and is therefore not considered construction.

Ground Disturbance

Onsite activity that results in the removal of soil or vegetation, boring, trenching or alteration of the site surface. This does not include driving or parking a passenger vehicle, pickup truck, or other light vehicle, or walking on the site.

Grading

Onsite activity conducted with earth-moving equipment that results in alteration of the topographical features of the site such as leveling, removal of hills or high spots, or moving of soil from one area to another.

Construction

[From Public Resources Code section 25105.] Onsite work to install permanent equipment or structures for any facility. Construction does **not** include the following:

a. The installation of environmental monitoring equipment.

b. A soil or geological investigation.

c. A topographical survey.

d. Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.

e. Any work to provide access to the site for any of the purposes specified in a, b, c, or d.

TERM OF CERTIFICATION

Certification is for the life of the project if at the end of the power purchase agreement with either the California Independent System Operator or the California Department of Water Resources the project owner can verify that the project meets the following continuation criteria:

- the project is permanent, rather than temporary or mobile in nature;

- the project owner demonstrates site control;

- the project owner has secured permanent emission reduction credits (ERCs) to fully offset project emissions for its projected run hours prior to expiration of any temporary ERCs;

- the project is in current compliance with all Energy Commission permit conditions specified in the final decision;

- the project is in current compliance with all conditions contained in the Permit to Construct and Permit to Operate issued by San Diego Air Pollution Control District for the project; and

- the project continues to meet BACT requirements under San Diego Air Pollution Control District and California Air Resources Board (CARB) requirements.

The project shall expire if these continuation criteria are not met. At least six months prior to the expiration of the power purchase agreement with the Department of Water Resources (DWR), or prior to the expiration of the Summer Reliability Agreement with the California Independent System Operator if no DWR contract is signed, the project owner shall provide verification that these conditions have been meet.

In addition, the project owner shall submit a report after completion of the first three years in operation, as described below.

COMPLIANCE PROJECT MANAGER (CPM) RESPONSIBILITIES

A CPM will oversee the compliance monitoring and shall be responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities is in compliance with the terms and conditions of the Commission Decision;

2. resolving complaints;

3. processing post-certification changes to the conditions of certification, project description, and ownership or operational control;

4. documenting and tracking compliance filings; and

5. ensuring that the compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies and the Energy Commission when handling disputes, complaints and amendments.

The Commission has established a toll free compliance telephone number of **1-800-858-0784** for the public to contact the Commission about power plant construction or operation-related questions, complaints or concerns.

Pre-Construction and Pre-Operation Compliance Meeting

The CPM may schedule pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings will be to assemble both the Energy Commission's and the project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's conditions of certification to confirm that they have been met, or if they have not been met, to ensure that the proper action is taken.

Energy Commission Record

The Energy Commission shall maintain as a public record, in either the Compliance file or Docket file, for the life of the project (or other period as required):

1. All documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;

2. All complaints of noncompliance filed with the Energy Commission; and

3. All petitions for project modifications and the resulting staff or Energy Commission action taken.

PROJECT OWNER RESPONSIBILITIES

It is the responsibility of the project owner to ensure that the general compliance conditions and the conditions of certification are satisfied. The general compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, compliance conditions, or ownership. Failure to comply with any of the conditions of certification or the general compliance conditions may result in reopening of the case and revocation of Energy Commission certification, an administrative fine, or other action as appropriate.

Access

The CPM, responsible Energy Commission staff, and delegate agencies or consultants, shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

Compliance Record

The project owner shall maintain project files on-site or at an alternative site approved by the CPM, for the life of the project. The files shall contain copies of all "as-built" drawings, all documents submitted as verification for conditions, and all other project-related documents for the life of the project, unless a lesser period is specified by the conditions of certification.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files.

Compliance Reporting

The project owner shall submit status reports to the CPM every two weeks indicating its progress in meeting milestones for procuring necessary project components and all required approvals for construction and operation of the facility by September 30, 2001. The first of these reports will be due two weeks after certification of the project by the Energy Commission.

Start of Operations

The RAMCO Chula Vista Peaker Generating Station shall be on-line by not later than September 30, 2001. If the project is not operational by September 30, 2001, the Energy Commission will conduct a hearing to determine the cause of the delay and consider what sanctions, if any, are appropriate. If the Energy Commission finds that the project owner failed to proceed with due diligence to have the project in operation by September 30, 2001, the Energy Commission will set a specific date by which the project must be brought on-line as a condition precedent to continue the certification.

Three-Year Review

No later than 15 days after completion of the first three years in operation, the project owner shall submit to the Energy Commission a report of operations that includes a review of the project's compliance with the terms and conditions of certification, the number of hours in operation, and the demand for power from the facility during the three year period.

Compliance Verifications

Conditions of certification may have appropriate means of "verification". The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified, as necessary by the CPM, without full Energy Commission approval.

Verification of compliance with the conditions of certification can be accomplished by:

- reporting on the work done and providing the pertinent documentation in monthly and/or annual compliance reports filed by the project owner or authorized agent as required by the specific conditions of certification;
- appropriate letters from delegate agencies verifying compliance;
- Energy Commission staff audits of project records; and/or
- Energy Commission staff inspections of mitigation and/or other evidence of mitigation.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. The cover letter subject line shall identify the involved condition(s) of certification by condition number and include a brief description of the subject of the submittal.

All submittals shall be addressed as follows:

Compliance Project Manager
California Energy Commission
1516 Ninth Street (MS-3000)
Sacramento, CA 95814

Confidential Information

Any information, which the project owner deems confidential shall be submitted to the Energy Commission's Docket with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information, which is determined to be confidential, shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.

Reporting of Complaints, Notices, and Citations

Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering, with date and time stamp recording. The telephone number shall be posted at the project site and easily visible to passersby during construction and operation.

The project owner shall report and provide copies of all complaint forms, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt, to the CPM.

GENERAL CONDITIONS FOR FACILITY CLOSURE

In order to ensure that a planned facility closure does not create adverse impacts, plant closure must be consistent with all applicable laws, ordinances, regulations, standards (LORS), and local/regional plans in existence at the time of closure. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least three months prior to commencement of closure activities (or other period of time agreed to by the CPM).

DELEGATE AGENCIES

To the extent permitted by law, the Energy Commission may delegate authority for compliance verification and enforcement to various state and local agencies that have expertise in subject areas where specific requirements have been established as a condition of certification. If a delegate agency does not participate in this program, the Energy Commission staff will establish an alternative method of verification and enforcement. Energy Commission staff reserves the right to independently verify compliance.

In performing construction and operation monitoring of the project, the Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). The Commission staff retains this authority when delegating to a local CBO. Delegation of authority for compliance verification includes the authority for enforcing codes, the responsibility for code interpretation where required, and the authority to use discretion, as necessary, in implementing the various codes and standards.

ENFORCEMENT

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Commission Decision. The specific action and amount of any fines the Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, inadvertence, unforeseeable events, and other factors the Commission may consider.

Moreover, to ensure compliance with the terms and conditions of certification and applicable laws, ordinances, regulations, and standards, delegate agencies are authorized to take any action allowed by law in accordance with their statutory authority, regulations, and administrative procedures.

NONCOMPLIANCE COMPLAINT PROCEDURES

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1230 et. seq., but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedures, as described in current State law and regulations, are described below. They shall be followed unless superseded by current law or regulations.

INFORMAL DISPUTE RESOLUTION PROCEDURE

The following procedure is designed to informally resolve disputes concerning interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of the public, may initiate this procedure for resolving a dispute. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents.

This procedure may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1230 et. seq., but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and conditions of certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner proposing an amendment.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be referred to the full Energy Commission for consideration via the complaint and investigation process. The procedure for informal dispute resolution is as follows:

Request for Informal Investigation

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and conditions of certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter and within seven (7) working days of the CPM's request, provide a written report of the results of the investigation, including corrective measures proposed or undertaken, to

the CPM. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to provide an initial report, within forty-eight (48) hours, followed by a written report filed within seven (7) days.

Request for Informal Meeting

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within fourteen (14) days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. Immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place and secure the attendance of appropriate Energy Commission staff and staff of any other agency with expertise in the subject area of concern as necessary;

2. Conduct such meeting in an informal and objective manner; and,

3. After the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum which fairly and accurately identifies the positions of all parties and any conclusions reached.

FORMAL DISPUTE RESOLUTION PROCEDURE-COMPLAINTS AND INVESTIGATIONS

If either the project owner, Energy Commission staff, or the party requesting an investigation is not satisfied with the results of the informal dispute resolution process, such party may file a complaint or a request for an investigation with the Energy Commission's General Counsel. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1230 et. seq.

The Chairman, upon receipt of a written request stating the basis of the dispute, may grant a hearing on the matter, consistent with the requirements of noticing provisions. The Commission shall have the authority to consider all relevant facts involved and make any appropriate orders consistent with its jurisdiction (Title 20, California Code of Regulations, sections 1232 - 1236).

POST CERTIFICATION CHANGES TO THE COMMISSION DECISION: AMENDMENTS, INSIGNIFICANT PROJECT CHANGES

The project owner must petition the Energy Commission, pursuant to Title 20, California Code of Regulations, section 1769, to 1) delete or change a condition of certification; 2) modify the project design or operational requirements; and 3) transfer ownership or operational control of the facility.

A petition is required for **amendments** and for **insignificant project changes**. In all cases, the petition or letter requesting a change should be submitted to the Commission's Docket in accordance with Title 20, California Code of Regulations, section 1209. The criteria that determine which type of change process applies are explained below.

EXECUTIVE ORDER

Executive Order D-25-01 issued by the Governor of the State of California, which accelerates processing of certain project modifications, will be applied to all qualifying project modifications requested until December 31, 2001.

AMENDMENT

A proposed project modification will be processed as an amendment if it involves a change to a condition of certification, an ownership or operator change, or a potential significant environmental impact.

INSIGNIFICANT PROJECT CHANGE

The proposed modification will be processed as an insignificant project change if it does not require changing the language in a condition of certification, have a potential for significant environmental impact, and cause the project to violate laws, ordinances, regulations or standards.

VERIFICATION CHANGE

Changes to condition verifications require CPM approval and may require either a written or oral request by the project owner. The CPM will provide written authorization of verification changes.

TECHNICAL AREA CONDITIONS OF CERTIFICATION

AIR QUALITY

AQ-1 Prior to the commencement of project construction, the project owner shall prepare a Construction Fugitive Dust Mitigation Plan that will specifically identify fugitive dust mitigation measures that will be employed for the construction of the project and related facilities.

Measures that should be addressed include the following:

- the identification of the employee parking area(s) and surface of the parking area(s);
- the frequency of watering of unpaved roads and disturbed areas;
- the application of chemical dust suppressants;
- the stabilization of storage piles and disturbed areas;
- the use of gravel in high traffic areas;
- the use of paved access aprons;
- the use of posted speed limit signs;
- the use of wheel washing areas prior to large trucks leaving the project site;
- the methods that will be used to clean tracked-out mud and dirt from the project site onto public roads; and
- for any transportation of borrowed fill material, the use of covers on vehicles, wetting of the material, and insuring appropriate freeboard of material in the vehicles.

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

AQ-2 The project owner shall comply with the terms and conditions of the Authority to Construct and the Permit to Operate issued by the San Diego Air Pollution Control District.

Verification: In the event that the air district finds the project to be out of compliance with the terms and conditions of the Authority to Construct, the project owner shall notify the CPM of the violation, and the measures taken to return to compliance, within five (5) days.

AQ-3 The project owner shall operate the project in compliance with all Best Available Control Technology (BACT) standards imposed by the Air District in its Authority to Construct. Failure to meet these standards will result in a finding that the project owner is out of compliance with the certification.

BIOLOGICAL RESOURCES

BIO-1 The project permitted under this emergency process will avoid all impacts to legally protected species and their habitat on site, adjacent to the site and along the right of way for linear facilities.

BIO-2 The project permitted under this emergency process will avoid all impacts to designated critical habitat (wetlands, vernal pools, riparian habitat, preserves) on site or adjacent to the site.

BIO-3 The project permitted under this emergency process will avoid all impacts to locally designated sensitive species and protected areas.

BIO-4 The project permitted under this emergency process will reduce risk of large bird electrocution by electric transmission lines and any interconnection between structures, substations and transmission lines by using construction methods identified in “Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996” (APLIC 1996).

BIO-5 The project biologist, a person knowledgeable of the local/regional biological resources, and CPM will have access to the site and linear rights-of-way at any time prior to and during construction and have the authority to halt construction in an area necessary to protect a sensitive biological resource at any time.

Verification: If the Designated Biologist halts construction, the action will be reported immediately to the CPM along with the recommended implementation actions to resolve the situation or decide that additional consultation is needed. Throughout construction, the project owner shall report on items one through eight, above if identified resources are found or impacted.

BIO-6 Upon decommissioning the site, the biological resource values will be reestablished at preconstruction levels or better.

BIO-7 During construction and plant commissioning a qualified biological monitor will be present during work hours to monitor noise levels to ensure they do not exceed 60 dBA at the property line, as part of the mitigation for potential noise impacts to TES species. The biological monitor will also ensure that transitory TES species are avoided.

Verification: The designated biological monitor will maintain a sound log and submit it upon request to the CPM. If the Designated Biological monitor halts construction, the action will be reported immediately to the CPM. The CPM will recommend actions to resolve the situation or decide that additional consultation is needed.

CULTURAL RESOURCES

CUL-1 The project certified under this emergency process shall not cause any significant impact to cultural resources on the power plant site or linear rights of way. In the event of an inadvertent cultural find the following conditions apply:

1. The presence of subsurface archaeological resources is always a possibility in areas where only surface inspection has taken place. In the unlikely event that sub-surface archaeological remains are discovered during ground disturbing activities (i.e., grading and/or excavation), work in the area must halt and a qualified Cultural Resource Specialist (CRS) will be contacted immediately to evaluate the significance of the find. The project manager, construction manager, and the Compliance Project Manager (CPM) will be notified if the resource is judged to be potentially significant, and the archaeologist may recommend further study.

2. In the event that suspected human remains are encountered, work must stop immediately within a radius of 100 feet (30 meters) of the discovery, and the Monterey County Coroner's Office will be notified within 24 hours of the find. If the skeletal remains are determined to be prehistoric, the Coroner's Office will contact the Native American Heritage Commission (NAHC) to identify the Most Likely Descendents (MLD). The MLD will be notified and will determine the most appropriate disposition of the remains and any associated artifacts.

CUL-2 Not applicable to this project.

FACILITY DESIGN

GEN-1 The project owner shall design, construct and inspect the project in accordance with the 1998 California Building Code (CBC) and all other applicable LORS in effect at the time initial design plans are submitted to the CBO for review and approval.

Verification: Within 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) after receipt of the Certificate of Occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation and inspection requirements of the applicable LORS and the Energy Commission's Decision have been met. The project owner shall provide the CPM a copy of the Certificate of Occupancy within 30 days of receipt from the CBO [1998 CBC, Section 109 – Certificate of Occupancy.] The project owner shall keep copies of plan checks and CBO inspection approvals at the project site.

GEN-2 Prior to submittal of the initial engineering designs for CBO review, the project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment.

Verification: Prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the Master Drawing List, and the Master Specifications List of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in **Table 1** below. Major structures and equipment shall be added to or deleted from the table only with CPM approval.

Table 1: Major Structures and Equipment List

Equipment/System	Quantity (Plant)
Combustion Turbine Generator Foundation and Connections	1
SCR Unit Structure, Foundation and Connections	1
Auxiliary Transformer Foundation and Connections	1
CT Inlet Air Plenum Structure, Foundation and Connections	1
Inlet Fogging System Structure, Foundation and Connections	1
SCR Unit Exhaust Stack, Foundation and Connections	1
SCR Unit Transition Duct from CTG — Structure	1
Electrical/Control Center Structure, Foundation and Connections	1
CT Mechanical Accessory Compartment Foundation and Connections	1
Switchgear Equipment Building Structure, Foundation and Connections	1
Main Transformer Foundation and Connections	1
Potable Water Systems	1
Grading and Drainage Plan	1

HAZARDOUS MATERIALS MANAGEMENT

HAZ-1 The project owner shall not use any hazardous material in reportable quantities except those identified by type and quantity in the Application for Certification unless approved by the CPM.

Verification: The project owner shall provide in the Annual Compliance Report a list of hazardous materials used at the facility in reportable quantities.

HAZ-2 The project owner shall submit both the Business Plan and Risk Management Plan to the CPM for review and comment, and shall also submit these plans and/or procedures to the County Fire Department for approval.

Verification: 30 days (or a CPM-approved alternative timeframe) prior to the initial delivery of any hazardous materials in reportable quantities to the facility, the project owner shall submit the Business and Risk Management Plan to the CPM for review and comment. At the same time, the project owner shall submit these plans to the County Fire Department for approval. The project owner shall also submit evidence to the CPM that the County Fire Department approved of these plans, when available.

LAND USE

LAND–1 The project permitted under this emergency process will conform to all applicable local, state and federal land use requirements, including general

plan policies, zoning regulations, local development standards, easement requirements, encroachment permits, truck and vehicle circulation plan requirements, Federal Aviation Administration approval, and the Federal Emergency Management Agency National Flood Insurance Program.

Verification: Prior to start of construction, the project owner will submit to the CPM documentation verifying compliance with the above referenced land use requirements.

LAND–2 Prior to occupying any off-site lay-down or storage facilities the applicant shall provide detailed plans indicating the location of existing and proposed use of the sites to the CPM. Such sites shall be previously disturbed and shall not require any clearing or grading to accommodate the proposed use. To prevent possible impacts to sensitive resources the applicant shall coordinate with the CPM to determine if biological or cultural surveys are required. This submission shall include written landowner approval and must comply with all local land use requirements. If the proposed site is located within public rights-of-way appropriate traffic control plans and encroachments permits will be provided to the CPM.

Verification: Prior to the start of construction, the project owner will submit to the CPM documentation verifying compliance with the above referenced land use requirements.

NOISE

NOISE-1 The project permitted under this emergency process shall be required to comply with applicable community noise standards.

Verification: Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey, utilizing the same monitoring sites employed in the pre-project ambient noise survey as a minimum. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. Steam relief valves shall be adequately muffled to preclude noise that draws legitimate complaints. If the results from the survey indicate that the project noise levels at the closest sensitive receptor are in excess of 45 dBA L_{eq} between the hours of 10 PM and 7 AM, or 55 dBA L_{eq} between the hours of 7 AM and 10 PM, additional mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.

NOISE-2 Prior to the start of rough grading, the project owner shall notify all residents within one mile of the site of the start of construction and will provide a complaint resolution process.

Verification: The project owner shall provide the CPM with a statement, attesting that the above notification has been performed.

NOISE-3 Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

Verification: Within 30 days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form, or similar instrument approved by the CPM, with the County Environmental Health Department, and with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a 30-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE-4 Night construction activities may be authorized by the CPM if they are consistent with local noise ordinances. Night construction, or specific night construction activities may be disallowed by the CPM if it results in significant impact to the surrounding community.

Verification: Noise monitoring and surveys may be conducted if complaints are reported by residence in the surrounding area of the project site.

PALEONTOLOGICAL RESOURCES

PALEO-1 The project certified under this emergency process shall not cause any significant impact to paleontological resources on the power plant site or linear rights of way.

Verification: Throughout construction, the project owner shall inform the CPM concerning any substantive activity related to item 1.

PALEO-2 Condition is not applicable to this project.

SOIL & WATER RESOURCES

SOIL&WATER-1 Prior to ground disturbance, the project owner shall obtain CPM approval of a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Storm Water Construction Activity Permit for the project.

Verification: Prior to ground disturbance, the project owner will submit a copy of the Storm Water Pollution Prevention Plan for the project to the CPM

SOIL&WATER-2 Prior to ground disturbance, the project owner shall obtain CPM approval of an Erosion Prevention and Sedimentation Control Plan.

Verification: The Erosion Control and Storm Water Management Plan for the project shall be submitted to the CPM prior to ground disturbance.

SOIL&WATER-3 Prior to site mobilization, the project owner shall submit to the CPM, a copy of a valid water service agreement for water supplies for the project from an authorized water purveyor, or a copy of a valid well permit for the project from the appropriate licensing agency.

Verification: The water service agreement or well permit shall be submitted to the CPM prior to site mobilization.

SOIL& WATER-4 Prior to operation, the project owner shall submit to the CPM a copy of a valid permit or agreement from the appropriate approving agency for wastewater discharge.

Verification: The permit or agreement for wastewater discharge shall be submitted to the CPM prior to operation.

SOIL& WATER-5 Prior to construction, the project owner shall submit to the CPM, a copy of the completed geo technical report.

Verification: The geo-technical report for the project shall be submitted to the CPM prior to ground disturbance.

SOIL&WATER-6 During construction and plant operation the project owner will adhere to all applicable Federal, State and Local Laws, Ordinances, Regulations and Standards concerning stormwater management and discharge.

Verification: Prior to ground disturbance, the project owner will submit a copy of the Storm Water Pollution Prevention Plan for the project to the CPM.

TRAFFIC AND TRANSPORTATION

TRANS-1 The project permitted under this emergency process shall comply with Caltrans and City/County limitations on vehicle sizes and weights. In addition, the project owner or its contractor shall obtain necessary transportation permits from Caltrans and all relevant jurisdictions for roadway use.

Verification: The project owner shall keep copies of any oversize and overweight transportation permits received at the project site.

TRANS-2 The standard condition is not applicable to this project because no easements or encroachment permits are required.

TRANS-3 The project permitted under this emergency process shall ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.

Verification: The project owner shall keep copies of all permits/licenses acquired by the project owner and/or subcontractors concerning the transport of hazardous substances at the project site.

TRANS-4 Standard Condition is not applicable to this project because there will be no impacts to roadways that require restoration.

TRANSMISSION SYSTEM ENGINEERING, SAFETY AND RELIABILITY

TSE-1 The project owner shall ensure that the design, construction and operation of the proposed transmission facilities will conform to requirements listed below:

The power plant switchyard, outlet line and termination shall meet or exceed the electrical, mechanical, civil and structural requirements of CPUC General Order 95, CPUC Rule 21, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the, "High Voltage Electric Safety Orders", Title 8 CCR, Sections 2700-2974, CPUC Decision 93-11-013, Federal Communications Commission Part 15, Public Resources Code 4292-4296, and National Electric Code (NEC).

Verification: Within 15 days after cessation of construction the project owner shall provide a statement to the CPM from the registered engineer in responsible charge (signed and sealed) that the switchyard and transmission facilities conform to the above listed requirements.

TSE-2 The Applicant shall provide the following Notice to the California Independent System Operator (Cal-ISO) prior to synchronizing the facility with the California Transmission System:

1. At least one (1) week prior to first synchronizing the facility with the grid (or as otherwise advised by the Cal-ISO) for testing, provide the Cal-ISO a letter stating the proposed date of synchronization. This letter should also affirm that all the electrical facilities necessary to connect the new facility to the grid have been installed and successfully tested; and

2. At least one (1) business day prior to synchronization of the facility with the grid for testing, or as otherwise advised by the Cal-ISO, provide telephone notification to the ISO Outage Coordination Department, Monday through Friday, between the hours of 0700-1530 at (916) 351-2300.

Verification: The applicant shall provide an electronic copy of the Cal-ISO letter to the CPM when it is sent to the Cal-ISO. The letter should be received by the Cal-ISO at least one (1) week prior to initial synchronization with the grid. A report of conversation with the Cal-ISO shall be provided electronically to the CPM one (1) day before synchronizing the facility with the California transmission system for the first time.

VISUAL

VIS-1 Project structures treated during manufacture and all structures treated in the field, that are visible to the public, shall be painted in a neutral color consistent with the surrounding environment.

Verification: Prior to painting exposed services, the project owner shall identify the selected color for CPM approval.

VIS-2 The project owner shall prepare and submit to the local planning department for review and comment, and to the CPM for review and approval a landscaping plan which provides for any or all of the following, as appropriate, to screen the project from view: berms, vegetation and trees, and slats in fencing.

Verification: Within 30 days of certification, the project owner shall submit the landscaping plan to the local planning department and the CPM.

VIS-3 The project owner shall design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas and illumination of the vicinity and the nighttime sky is minimized. Lighting must also be installed consistent with any local requirements. To minimize any cumulative lighting impacts from units I and II the applicant shall install or modify the lighting for unit I to conform to the lighting requirements specified for unit II.

Verification: The project owner shall inform the CPM of any complaints concerning lighting and when measures have been taken to correct the problem.

VIS-4 All lighting shall be directed away from the Otay River and adjacent habitat area, and shall be installed to remain on-site to the extend possible.

Verification: Within 30 days of certification, the project owner shall submit plans for lighting to the local planning department for review and comment and the CPM for review and approval. The lighting plan must be consistent with all applicable LORS.

WASTE

WASTE-1 The project owner shall obtain a hazardous waste generator identification number from the Department of Toxic Substances Control prior to producing any hazardous waste.

Verification: The project owner shall keep its copy of the identification number on file at the project site.

WASTE-2 The project owner shall have an environmental professional available for consultation during soil excavation and grading activities. The environmental professional shall be given full authority to oversee any earth moving activities that have the potential to disturb contaminated soil. The environmental professional shall meet the qualifications of such as defined by the American Society for Testing and Materials designation E 1527-97 Standard Practice for Phase I Environmental Site Assessments.

Verification: If potentially contaminated soil is unearthed during excavation at either the proposed site or linear facilities, the environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and make a recommended course of action. The environmental professional shall have the authority to suspend construction activity at that location. If, in the opinion of the environmental professional, remediation is to be required, the project owner shall consult with the CPM and a decision will be made by the CPM within 24 hours as to how to proceed.

WORKER AND FIRE SAFETY

WORKER SAFETY-1 The project owner must comply with all requirements in Title 8 of the California Code of Regulations, beginning with Part 450 (8 CCR Part 450 et seq).

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

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RAMCO CHULA VISTA PEAKER GENERATING STATION
EMERGENCY PERMIT EVALUATION
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